



Attorney Docket No.: 6004.200-US

PATENT

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09/24/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Belghuith et al.

Serial No.: 09/383,318

Confirmation No: 6411

Group Art Unit: 1652

Filed: August 26, 1999

Examiner: Slobodyansky

For: Polypeptides Having Glucose Isomerase Activity And Nucleic Acids Encoding Same

AMENDMENT UNDER 37 C.F.R. 1.116

Commissioner for Patents
Washington, DC 20231

Sir:

This is in response to the Office Action mailed April 18, 2001.

REMARKS

Claims 13, 15-17 and 22 are pending and at issue in the present application. A new declaration is forthcoming.

Claims 13, 15-17 and 22 have been rejected as being anticipated or obvious over Applicants' own reference, Belghith et al., Biotech. Letters, 20:553-556, (June 1998), for the reasons of record. The Examiner contends that "information is provided about where the DNA sequences could be obtained or isolated from," alleging that the source of the DNA was known prior to the filing date of both the instant application and the prior foreign application. The Examiner further contends that "Belghith et al. describe the DNA from the same source, with the same restriction map, encoding an enzyme with the same properties and having the same name as the enzyme and the encoding DNA of the instant invention." The Examiner alleges that the DNA sequences are inherent to the disclosed clone. The Examiner further states that the nucleotide sequences of GenBank accession Y15518 (Applicants' own deposit) are 100% identical to SEQ ID NO:1 and became available on February 1, 1999, which is prior to the filing date of both the instant application (August 26, 1999) and the prior foreign application (May 26, 1999).

It is respectfully submitted that the rejections should be withdrawn because contrary to the Examiner's contention, the source of the DNA or the claimed DNA was not known or publicly available more than one year prior to the filing date of the instant application.

NOT ENTERED

OK to enter
S. Slobodyansky
09/24/01



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AMENDMENT FEE TRANSMITTAL

Commissioner for Patents
Washington, DC 20231

Sir:

Transmitted herewith is an Amendment for the above-identified application in response to the Office Action mailed April 18, 2001.

It is respectfully requested that the time for response to the Office Action dated April 18, 2001 be extended for a period of 2 months from July 18, 2001 to September 18, 2001. The required fee for the extension is estimated to be \$390.

The fee for claims has been calculated as shown below:

Total: $5 - 22 = 0 \times 18 = \$0$

Independent: $1 - 4 = 0 \times 80 = \$0$

No additional claims fee is required.

Please charge the required extension fees, estimated to be \$390, to Novozymes North America, Inc., Deposit Account No. 50-1701. A duplicate of this sheet is enclosed.

Respectfully submitted,

Date: September 17, 2001

Jason I. Garbell, Reg. No. 44,116
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